

Dear Santa Fe County residents:

The last meeting of the Board of County Commissioners (BCC) had many issues, and I will try to cover some of the more interesting items. But there were so many that I will split this message into two parts.

Most of the issues were non-controversial, but there was one exception: Santa Fe County's procedure with respect to holds put on inmates in the County Jail by the Immigration and Customs Enforcement (ICE). Steve Ross, County Attorney, gave a presentation on that topic to the Board. I will give more details below.

Please give me feedback on any issue of concern or interest to you. I am particularly interested in hearing points of view on the ICE issue.

Sincerely,
-Kathy

Local Government Obligations under the Immigration and Control Act of 1986:

County Attorney Steve Ross gave a presentation on the County's obligations with respect to the Immigration and Customs Enforcement (ICE) agency. Chair Stefanics requested this presentation in view of the recent news stories dealing with the relationship between the County Jail and ICE. I think that all the Commissioners feel that it is important that we strictly follow the law. But there are different points of view as to how far we should go beyond that.

The present system of immigration control and enforcement primarily stems from the 1986 Immigration and Control Act. And the 2002 Patriot Act, while making no changes to immigration control, did transfer the functions of the Immigration and Naturalization Service (INS) to the Homeland Security Department, and INS became ICE.

Local government most frequently interacts with Federal immigration laws in the area of detention and incarceration. The Santa Fe County Adult Detention Facility has had extensive experience with Federal immigration laws, but since 2008 has had a low level of cooperation with ICE concerning the identification, interview, or detention of aliens.

The purpose of the presentation from Mr. Ross was to put this issue in a legal context.

An important point is that the obligation of a local government to detain a person pursuant to a detainer issued by ICE is not optional. And although the obligation to cooperate with an inquiry directed at the immigration status of a person is not mandatory, it is unlawful to prohibit or restrict communication between local officials and ICE concerning the immigration status of any person.

A detainer, which is authorized by Federal law, is a notice to a law enforcement agency to temporarily detain a person being held by that agency after that person is scheduled to be released, and it is put in place so that ICE may assume custody of that person. Detainers, in fact, must be issued for any criminal alien. (The verb used in the law is actually shall.) A criminal alien is an alien that has committed a serious crime for which that person has been imprisoned for at least a year. The types of crimes that are in this category are, for example, aggravated felony, firearms offenses, domestic violence, child abuse, trafficking (humans and drugs), terrorist activities, and so on. In fact, recent guidelines issued by ICE show that the agency intends to focus its efforts on aliens who pose a danger to national security or are a risk to public safety.

The period of a detainer is 48 hours, and that time period does exclude Saturdays, Sundays, and holidays. Part of the purpose of a detainer is for local law enforcement to share information that relates to the alien detainee's status in the United States, as well as any records that pertain to the alien having being convicted of a crime. However, notification and information sharing are not required. The Santa Fe Adult Corrections Facility has not, since 2008, notified ICE of a release, nor shared information with ICE concerning incarcerated persons.

ICE does have access to records of persons who have been booked into the corrections facility, and numerous holds have been placed on individuals since 2008. I have heard conflicting numbers on this point, but it may have been in the neighborhood of 600 holds in the last three years. Very few of these individuals have been picked up by ICE, though. If an individual is not picked up after 48 hours, and if they can post bail, they will be released pending trial.

I personally feel that persons who are a potential danger to the community should not be released pending trial. But this should be the case whether or not that person is a United States citizen. And the County has to follow the law as interpreted by our County Attorney. It is also important to note that the judges play a role in this issue. They are the ones who set bail. So, I believe that there should be a conversation between our Corrections Department officials, ICE, and the judges as to the best process to use, so that we do not allow people back into the community who are a danger, but so that we do not detain members of our community who may be undocumented immigrants, yet have not committed a serious offense.

Santa Fe Rail Trail:

Santa Fe County purchased an easement from the Santa Fe Southern Railway in 1997 for a trail along the railroad that stretches from I-25 to NM 285. This trail is now known as the Santa Fe Rail Trail.

The plan is that the County will eventually improve the surface of the existing trail. The improvements will be to create a hard dirt surface on the trail and to mitigate any areas that are currently plagued by erosion.

This trail is actually an official Santa Fe County trail in that it has been included in the Santa Fe Metropolitan Transportation Improvement Program for Fiscal Years 2012 - 2105 and in the New Mexico Department of Transportation (NMDOT) Statewide Transportation Improvement Program for Fiscal Year 2012.

A construction contract has already been awarded by the County for the first phase of this improvement project that will occur between Rabbit Road and Spur Road.

I am pleased to report that Santa Fe County will now enter into a Cooperative Agreement with the NMDOT in order to receive Federal Highway Administration (FWHA) funds in the amount of a little over \$150,000 that will go toward construction of the next segment of this project. In order to receive these funds, the County must put up a 25% matching amount toward the total. The County share that has already been budgeted (\$50,000) will come from County Gross Receipts Taxes.

Santa Fe River Trail and Greenway:

Another important trail that is currently being developed in Santa Fe County (and City) is along the Santa Fe River. Since 1998 the Santa Fe County Open Space and Trails Program has been working to acquire the land (or easements to the land) along the river with the long-term goal of creating a public greenway and trail system. This project will extend from Two-Mile Reservoir to the City of Santa Fe Waste Water Treatment Plant (WWTP).

The City and the County of Santa Fe are collaborating on the planning and development of the trail. The County's portion runs from Camino Carlos Real at the current City limits to the WWTP. The trail has been divided into six phases in the County. To date the County has completed one phase of the trail between San Ysidro Crossing and Caja del Rio Road.

One piece of this project (28.4 acres, about 0.58 miles along the river) near South Meadows Road currently happens to be owned by the Bureau of Land Management (BLM).

Fortunately for the County, the Recreation and Public Purposes Act authorizes the conveyance of Federally owned land that will be used for either recreation or for historic monument purposes to local governments without charge.

The Board voted unanimously to approve a resolution that authorizes the filing of an application to the BLM for a patent under the Recreation and Public Purposes Act for the purpose of creating a greenway and trail along the Santa Fe River, so that we can acquire right-of-way on the parcel of land currently owned by the BLM.

Just for your information, here is the proposed timetable for developing the County portion of the Santa River Trail.

San Ysidro Crossing to Caja del Oro Road
San Felipe Road to Constellation Drive

Construction Complete
Under Construction

Camino Carlos Rael to Siler Road	Under Design
Caja del Oro Road to Cottonwood Drive	Planned Completion 2015
Siler Road to San Ysidro Crossing	Planned Completion 2017
Constellation Drive to SF City WWTP	Planned Completion
2019	

The total project cost is estimated to be around \$3.5 million, and the funding will come from the County's general obligation bonds for open space and trails.

Camp Stoney Road Improvements:

Camp Stoney Road will be improved with chip seal thanks to a cooperative agreement for funding with the State Department of Transportation (DOT). The DOT will cover 75% of the funding (about \$150,000), and the County will budget 25% of the cost (roughly \$50,000) from its Road Maintenance Fund, which in turn gets part of its funding from the County Capital Outlay Gross Receipts Tax.

I asked Robert Martinez when work might begin, and he estimated that it would start sometime in May, when we no longer have freezing temperatures at night.

Prohibition of Engine Retarders ("Jake Brakes"):

The BCC voted to publish title and general summary of an ordinance that will amend our current Ordinance No. 2010-17 that specifies on which roadways engine retarders (also known as "jake brakes") are prohibited. This ordinance will be heard at a public meeting at the end of this month, and the BCC will decide whether to approve it at that time.

The additions to the list of areas where engine retarders are already prohibited are as follows (CR stands for County Road):

- I-25 between the Old Pecos Trail exit #284 and the Lamy exit #290 at US 285,
- NM 14 between mileposts 23 and 38,
- CR 42 extending east from State Road 14 to State Road 41 (a total of 9.33 miles),
- CR 45 extending north from State Road 14 to the I-25 Frontage Road (6.72 miles total),
- CR 70 (West Alameda) extending from SF City limits west to Via Abajo Road (2.27 miles total), and
- State Road 344 between mileposts 1 and 7, including any frontage roads, ramps, and intersections.

Youth Conservation Corps in the County Fire Department:

Santa Fe County has a program that trains youths from ages 18 to 25 in forest management, fire ecology, and watershed health. This is a great program to train young people for future jobs in fire departments, especially in the field of land restoration that reduces the risk of wildland-urban interface fires in our community. The types of jobs that these individuals do are things like hazardous fuel reduction and forest management. They will also be available to help fight wildland fires.

The County just received a grant in the amount of roughly \$150,000 from the Youth Conservation Corps Commission for ten individuals for 6 months worth of training. The Commission voted unanimously to accept this grant (of course!).

Microgrid Research Center:

I sponsored -- and the Commission passed -- a resolution that supports assessment of the development of an electric microgrid system in Santa Fe County for research purposes.

Here is a little background on why this effort could be very important for Santa Fe County. The current electric grid in the United States hasn't advanced in 70 or 80 years from the point of view of technology. It is designed in such a way as to get energy from massive power stations that are often in remote areas (like the Four Corners coal-fired power plants). The energy produced at those plants travels along high-voltage lines to places where the energy is needed. Then a series of substations step down the voltage until the lines going into residences and commercial buildings are suitable for our current electrical applications and appliances.

Unfortunately, present-day electric grids are not really designed to be able to accept many small sources of energy as produced by small solar or wind projects, even there is a great deal of interest within the United States (and in our community) to be able to do this. This is where the concept of "smart grids" comes in: various computerized controls that allow a grid to deal with multiple complex energy inputs.

Although these smart grids are being used in various places in Europe, they have not yet taken hold in the United States. Our utilities have not completely determined how to implement them or how to hook them together. Needless to say, given the current state of affairs, no standards have yet been developed.

Small-scale versions of smart grids are called microgrids, and they are a good test-bed for research. The Santa Fe Innovation Park (SFIP) is partnering with the Santa Fe Community College (SFCC) to develop a Microgrid Research Development, Demonstration, and Deployment Laboratory. This will be a place where the best way to implement a smart grid will be researched and tested on a small scale.

One important point about having this facility here in the Santa Fe area is that it could become a center for study on this topic, thus leading to a new initiative for economic development right here in our backyard. A laboratory like this would not only create jobs, but good jobs for the 21st century.

Not only is the County Commission supportive of this effort, but our Congressional delegation signed a letter last November in support of the efforts of SFIP and the SFCC to establish here in Santa Fe a national research center in microgrid systems, technologies, and applications.

Corporate Tax Loopholes:

I sponsored -- and the Commission passed -- a resolution in support of Senator Wirth's bill that is an attempt to close corporate tax loopholes and to lower taxes on businesses in New Mexico,

New Mexico is the last remaining western state that gives multi-state corporations a tax loophole that enables them to pay no taxes in New Mexico on profits made in the state. Corporations that operate in multiple states are allowed to file what is called a "separate return". They can then expense profits earned in New Mexico to a state like Delaware that charges no corporate tax.

This creates an unlevel playing field. Local businesses have to pay corporate taxes, yet large multi-state corporations don't. SB 9 would end the "separate return" loophole. At the same time, it would lower the top tax rate for businesses from 7.6% to 7.0%.

Senator Wirth has sponsored this legislation for 8 years running; perhaps it is an idea whose time has finally come.

Santa Fe County Ethics Board:

The Santa Fe County Ethics Board has now been meeting since last May. One of the first action items for the Board was to study the County's new Ethics Ordinance and to make suggestions as to how it could be improved. (I wrote about this at some length in an earlier e-mail if you are interested.) One of the Board's important recommendations was to increase its membership from 3 to 5. The reason for this is that there were concerns that if somebody had to recuse themselves from a decision, there might be a quorum problem, so the BCC amended the ordinance that forms the Board.

Then the process of adding two new members began: when the Ethics Board last met, they made the recommendation that the current alternate member, David Mittle, become a regular member. At this last BCC meeting, the BCC voted for Mr. Mittle's appointment as a regular member.

Now the County is advertising for applicants to fill the remaining seat. Common Cause will review the applications and comment on them. After that, Santa Fe County staff will conduct interviews and then bring forward a recommendation at the following BCC meeting.

Road Advisory Committee:

The Board also voted to reestablish the Road Advisory Committee. This action had been delayed primarily due to the fact that the County has been going through its redistricting process. In addition, there was some disagreement among the Commissioners about how the boundaries of the Road Advisory Areas should be redrawn.

In the end, the BCC decided that the Committee will have 15 members, but no alternates, and the number of members from each Commission District will be proportional to the number of miles of road in that District. So that means that the geographical boundaries for the former Road Advisory Areas will be eliminated entirely.

The breakdown for number of appointments from each Commission District is as follows:

District 1	-	3 appointments
District 2	-	2 appointments

District 3	-	5 appointments
District 4	-	2 appointments
District 5	-	3 appointments

Commissioners will have the discretion to appoint members from anywhere within their districts. However, we are being encouraged by staff to seek representation from different areas to increase diversity of points of view. In the past, it has been difficult to obtain enough people to serve on the Road Advisory Committee, as well as to achieve quorums for the meetings. Hopefully, it will be easier to find enough people to serve on the Committee, thereby improving its functionality in the future.

Meetings will be every other month. The appointment terms will generally be for two years. However to start, 8 of the members will be appointed for three years, so that terms can eventually be staggered.

If you would like to serve on this very important committee, please let me know. Also, please send a letter of interest and a short resumé to Robert Martinez at robmtz@santafecounty.org.

Senior Services Advisory Council:

Santa Fe County now operates 6 senior centers, having taken over operation of 5 of them this last year from the City. The County is now required to create an Advisory Council in order to ensure that participants in the senior centers have input into the operation of the programs.

The Commission unanimously approved a resolution that creates and defines the duties of the Santa Fe County Senior Services Council. The duties and responsibilities of the Council are as follows:

1. Recommend policies and procedures for development of the Senior Services Program;
2. Recommend ways to stimulate public interest in participating in senior services;
3. Communicate with senior services staff members so that they will better serve each unique community;
4. Become familiar with local, state and Federal laws relating to seniors and actively support legislation that favorably impacts the senior community;
5. Research revenue sources for senior programs;
6. Develop long-range priorities for provision of senior services;
7. Report to the Board of County Commissioners, as needed; and
8. Promote coordination of senior service activities with other civic groups and organizations.

There is also a non-voting membership opportunity for community members who cannot make a long-term commitment to the Council. Non-voting members will not be appointed by the BCC, but can serve as a representative of a community-based entity that provides senior services.

If you would like to serve on this Council, please contact Ron Pacheco, the County's Senior Services Administrative Program Manager, at jrpacheco@santafecounty.org.

Santa Fe County Financial Report:

The County Finance Director, Teresa Martinez, gave the Commission a report on the County budget. We are now halfway through the fiscal year.

In general, the report was good. County revenue exceeds what was budgeted for the first six months of the year, and expenditures are a tad below what was expected.

With regard to revenue, the property tax collections exceeded the previous year's collection by \$2.4 million (\$14.6 million for the first six months of this year versus \$12.2 million last year). Total gross receipts tax (GRT) collections are trending upward as well. However, in the unincorporated area of the County, GRT's are down significantly -- even more than the 13% decrease that was forecast for this year. Fortunately, most of the County's gross receipts taxes are collected county-wide, not just in the unincorporated areas.

The one area in which we are losing ground significantly is investment income. This is no surprise as interest rates are very low, and the County is not allowed to invest in anything risky, which is just as well!

In the area of expenditures, total general fund expenditures are still running less than the amount budgeted. In fact, expenditures are about 2% less.

The area in which we spend the most out of our general fund (i.e., expenditures not covered by a specific revenue source) is for the Corrections Department. The County's major income sources for Corrections are funds from the Correctional gross receipts taxes (\$2.3 million) and from revenue for care of prisoners being housed by the Federal government or from other counties (\$1.4 million). There are also other varied sources of revenue, making the total roughly \$4.4 million. But, the total expenditures are around \$8 million, leaving a substantial gap to be filled by General Fund monies.

Our Finance Department has also begun to make plans for the preparation of the FY 2013 budget. This year the County will be implementing performance-based budgeting for the next two fiscal years. Staff will be establishing various benchmarks so that we can evaluate in the future how well we are managing our budget in a more quantitative way. I believe this will help us to do a better job of setting our priorities in a meaningful way.